

226735

LAW OFFICES
JOHN D. HEFFNER, PLLC
1750 K STREET, N.W.
SUITE 200
WASHINGTON, D.C. 20006
PH: (202) 296-3333
FAX: (202) 296-3939

ENTERED
Office of Proceedings
MAR 31 2010
Public Records

March 30, 2010

Cynthia T. Brown
Chief, Section of Administration
Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington, DC 20423

VIA ELECTRONIC FILING

Re: STB Finance Docket No. 35141 U S Rail Corporation –
Construction and Operation Exemption – Brookhaven Rail Terminal

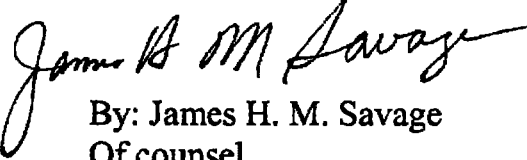
Dear Ms. Brown,

In concurrence with the Town of Brookhaven's ("Brookhaven") March 30, 2010 letter withdrawing all opposition to the Brookhaven Rail Terminal project ("the Project") and supporting the expedited approval of the Project, please accept Petitioner U S Rail Corporation's letter requesting the proceeding be immediately restored to the Board's active docket, and further requesting the Board issue a Scheduling Order providing for a final Decision being issued within 30 days after completion of the EA process. Petitioner believes expedited treatment is warranted both in view of the duration of this proceeding and particularly in view of the Town's findings of no significant environmental impact under SEQRA and SEA's own preliminary findings of no significant environmental impact.

Brookhaven's Resolution of Approval of Settlement and the New York State Environmental Quality Review Act (SEQRA) Negative Declaration and Notice of Determination of Non-Significance is attached.

We thank the Board for its time and consideration.

Very truly yours,
John D. Heffner, PLLC


By: James H. M. Savage
Of counsel

Attorneys for Petitioner
U S Rail Corporation

JHS/mhd
Att.

cc: Mark D. Cuthbertson (via electronic mail, w/att.)
Robert Ryback (via First Class mail, w/att.)
Thomas Stilling (via electronic mail, w/att.)

MEETING OF: MARCH 23, 2010

RESOLUTION NO. 2010-312

MOVED BY COUNCILMEMBER: CONNIE KEPERT

REVISION

SHORT TITLE: SEQRA NEGATIVE DECLARATION – AUTHORIZATION TO SETTLE CERTAIN MATTERS BETWEEN THE TOWN OF BROOKHAVEN, SILLS ROAD REALTY, LLC, US RAIL CORPORATION, WATRAL BROTHERS, INC., PRATT BROTHERS, INC., ADJO CONTRACTING CORP., AND SUFFOLK & SOUTHERN RAILROAD, LLC.

DEPARTMENT: Law

REASON:

PUBLIC HEARING REQUIRED:

DEPARTMENT OF FINANCE APPROVAL: YES NO

DOLLARS INVOLVED:

SEQRA REQUIRED:

DETERMINATION MADE: POSITIVE NEGATIVE

FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED:

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Flore-Rosenfeld		✓			
		Councilmember Bonner		✓			
		Councilmember Walsh		✓			
		Councilmember Kepert	✓	✓			
		Councilmember Mazzel	✓	✓			
		Councilmember		✓			
		Supervisor Lesko		✓			

**RESOLUTION NO. 2010-312
MEETING OF: MARCH 23, 2010**

**SEQRA NEGATIVE DECLARATION –
AUTHORIZATION TO SETTLE CERTAIN
MATTERS BETWEEN THE TOWN OF
BROOKHAVEN, SILLS ROAD REALTY, LLC,
US RAIL CORPORATION, WATRAL
BROTHERS, INC., PRATT BROTHERS, INC.,
ADJO CONTRACTING CORP., AND
SUFFOLK & SOUTHERN RAILROAD, LLC.**

WHEREAS, the Town Board is presently considering settling certain matters between the Town of Brookhaven, Sills Road Realty, LLC; US Rail Corporation, Watral Brothers, Inc., Pratt Brothers, Inc. ADJO Contracting Corp., and Suffolk & Southern Railroad, LLC; and

WHEREAS, the Division of Environmental Protection has completed an Environmental Assessment Form with respect to said proposed action, and has submitted same and recommendations to this Town Board for its consideration and review;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Brookhaven that based upon the Town Board's examination of the Environmental Assessment Form and recommendations, and the appropriate criteria for determination of significance, the proposed action is an Unlisted action which will not have a "significant impact" on the environment, and, therefore, no Environmental Impact Statement need be prepared, and be it further

RESOLVED that this resolution constitutes a "negative declaration" pursuant to SEQRA and that this Board's Findings and Notice of this determination (as set forth in the notice of determination attached hereto) shall be filed to the extent required by the State Environmental Quality Review Act or as deemed necessary by this Town Board.

**SEQR
NEGATIVE DECLARATION
NOTICE OF DETERMINATION OF NON-SIGNIFICANCE**

LEAD AGENCY: Town of Brookhaven Town Board
One Independence Hill
Farmingville, NY 11738

TITLE OF ACTION:
Authorizing settlement with
Sills Road Realty *et al* for
the construction of a rail freight terminal

APPLICANT:
Town of Brookhaven Town Board

SEQR STATUS: UNLISTED

DESCRIPTION OF ACTION:

To authorize a settlement between the Town of Brookhaven and Sills Road Realty *et al* for the construction of a rail freight terminal. The settlement discontinues a lawsuit commenced by the Town of Brookhaven against Sills Road Realty *et al* for starting the construction of a rail freight terminal without Town approvals. As part of the settlement, Sills Road Realty *et al* has agreed to various conditions and covenants that will reduce the impacts of the proposed rail freight terminal.

LOCATION: Sills Road (County Route 1010)
Yaphank, New York

SCTM 0200 663.00 03.00 lots 001.000, 027.002, 027.003 and 027.004
0200 704.00 04.00 lots 001.000 and 002.00
0200 704.00 05.00 lots 001.000 and 002.00
0200 704.00 02.00 lots 001.000, 002.00, 030.000, 031.000,
033.000, 034.000, 035.000 and 036.000

This Notice is issued pursuant to 6 NYCRR Part 617 (State Environmental Quality Review) of the implementing regulations pertaining to Article 8 (State Environmental Quality Act) of the Environmental Conservation Law.

REASONS SUPPORTING THIS DETERMINATION:

1. The Town Board of the Town of Brookhaven, based on consultation with the Division of Environmental Protection of the Town of Brookhaven and upon reviewing the proposed action in accordance with 6 NYCRR Parts 617.3 and 617.6, using available documentation and then comparing this information with the thresholds set forth in 6 NYCRR Part 617.4 and 6 NYCRR Part 617.5, has

determined that the proposed action is an Unlisted Action. The proposed action is not an approval of the site plan or the proposed activity but is for the settlement of a lawsuit commenced by the Town of Brookhaven against Sills Road Realty *et al* for commencing work without Town approval. As part of the settlement, Sills Road Realty *et al* has agreed that all work shall be consistent the applicable standards in the Town code of the Town of Brookhaven, the Code of Suffolk County, and applicable federal standards.

2. The Town of Brookhaven Town Board, based on consultation with the Division of Environmental Protection of the Town of Brookhaven and a review and analysis of the proposed action, the Long Environmental Assessment Form, the criteria contained in 6 NYCRR Part 617.7, aerial photographs, field reconnaissance, cultural resource and wetland maps, and other information related to potential environmental concerns, finds that the proposed action is not anticipated to have a significant effect upon the environment.
3. No significant impact is expected to occur to: land resources, aesthetic resources, groundwater, surface water, archaeological resources, open space and recreation, transportation, energy, noise and odor, and public health. As part of the settlement, Sills Road Realty *et al* has agreed to various mitigation measures including the installation of dust control measures, retention of 5 inches of stormwater, establishing a vegetated buffer around the perimeter of the site to reduce noise and visual impacts, establishing a 50 foot landscape buffer along the site frontage to reduce noise and visual impacts and revegetating 30 percent of the site.
4. The property is zoned L-1 industrial and the proposed use of the property is consistent with its zoning; no significant impacts are expected to the growth and character of the community. The elevation of the site is lower than the existing grade which reduces the noise and visual impacts of the proposed rail terminal.
- ~~5. The rail freight terminal will have the capability of handling the unloading and temporary storage of bulk commodities consisting principally of crushed stone aggregate, merchandise freight, and intermodal container shipper will reduce vehicle congestion of local roadways and will protect air quality by reducing vehicle miles traveled.~~
6. There shall be no collection, sorting, separation, processing, incineration, treatment, management, disposal, or transport of solid waste and construction and demolition debris, unless required under federal law.
7. The proposed construction of the rail freight terminal, because it requires federal approval and review by the Surface Transportation Board, is subject to the provisions of the National Environmental Policy Act which will specifically assess the environmental impacts of the construction and operation of the rail freight terminal.

REVIEW AGENCY: The Town of Brookhaven Town Board

CONTACT PERSON: Jeffrey Kassner, ACIP
Department of Planning, Environment & Land Management

ADDRESS: One Independence Hill
Farmingville, NY 11738

TELEPHONE: 631-451-6458

COPIES OF THIS NOTICE SENT TO:

Town of Brookhaven Town Clerk

**THIS DETERMINATION IS NOT COMPLETE UNTIL AUTHORIZED AS
FOLLOWS:**

ADOPTED BY RESOLUTION ON: _____

PATRICIA EDDINGTON, TOWN CLERK: _____

PART 2**PROJECT IMPACTS AND THEIR MAGNITUDE**

Responsibility of Lead Agency

General Information (Read Carefully)

- 1 In completing the form the reviewer should be guided by the question: Have my responses and determinations been reasonable? The reviewer is not expected to be an expert environmental analyst.
- 1 The Examples provided are to assist the reviewer by showing types of impacts and wherever possible the threshold of magnitude that would trigger a response in column 2. The examples are generally applicable throughout the State and for most situations. But, for any specific project or site other examples and/or lower thresholds may be appropriate for a Potential Large Impact response, thus requiring evaluation in Part 3.
- 1 The impacts of each project, on each site, in each locality, will vary. Therefore, the examples are illustrative and have been offered as guidance. They do not constitute an exhaustive list of impacts and thresholds to answer each question.
- 1 The number of examples per question does not indicate the importance of each question.
- 1 In identifying impacts, consider long term, short term and cumulative effects.

Instructions (Read carefully)

- a. Answer each of the 20 questions in PART 2. Answer Yes if there will be any impact.
- b. Maybe answers should be considered as Yes answers.
- c. If answering Yes to a question then check the appropriate box(column 1 or 2)to indicate the potential size of the impact. If impact threshold equals or exceeds any example provided, check column 2. If impact will occur but threshold is lower than example, check column 1.
- d. Identifying that an impact will be potentially large (column 2) does not mean that it is also necessarily significant. Any large impact must be evaluated in PART 3 to determine significance. Identifying an impact in column 2 simply asks that it be looked at further.
- e. If reviewer has doubt about size of the impact then consider the impact as potentially large and proceed to PART 3.
- f. If a potentially large impact checked in column 2 can be mitigated by change(s) in the project to a small to moderate impact, also check the Yes box in column 3. A No response indicates that such a reduction is not possible. This must be explained in Part 3.

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

Impact on Land

1. Will the Proposed Action result in a physical change to the project site?

NO ☐ YES ☒**Examples that would apply to column 2**

- | | | | |
|--|--------------------------|--------------------------|--|
| • Any construction on slopes of 15% or greater, (15 foot rise per 100 foot of length), or where the general slopes in the project area exceed 10%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction on land where the depth to the water table is less than 3 feet. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction of paved parking area for 1,000 or more vehicles. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction on land where bedrock is exposed or generally within 3 feet of existing ground surface. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction that will continue for more than 1 year or involve more than one phase or stage. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Excavation for mining purposes that would remove more than 1,000 tons of natural material (i.e., rock or soil) per year. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Construction or expansion of a sanitary landfill.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Construction in a designated floodway.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

The construction of railroad track, switches, scales, bulk storage facilities, buildings, entrance ramp all of which will be mitigated by project design.

2. Will there be an effect to any unique or unusual land forms found on the site? (i.e., cliffs, dunes, geological formations, etc.)

☒ NO ☐ YES

- Specific land forms: ☐ ☐ ☐ Yes ☐ No

Impact on Water

3. Will Proposed Action affect any water body designated as protected? (Under Articles 15, 24, 25 of the Environmental Conservation Law, ECL)

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • Developable area of site contains a protected water body. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Dredging more than 100 cubic yards of material from channel of a protected stream. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Extension of utility distribution facilities through a protected water body. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction in a designated freshwater or tidal wetland. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

4. Will Proposed Action affect any non-protected existing or new body of water?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • A 10% increase or decrease in the surface area of any body of water or more than a 10 acre increase or decrease. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction of a body of water that exceeds 10 acres of surface area. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

5. Will Proposed Action affect surface or groundwater quality or quantity?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • Proposed Action will require a discharge permit. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires use of a source of water that does not have approval to serve proposed (project) action. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires water supply from wells with greater than 45 gallons per minute pumping capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction or operation causing any contamination of a water supply system. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will adversely affect groundwater. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Liquid effluent will be conveyed off the site to facilities which presently do not exist or have inadequate capacity. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action would use water in excess of 20,000 gallons per day. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will likely cause siltation or other discharge into an existing body of water to the extent that there will be an obvious visual contrast to natural conditions. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will require the storage of petroleum or chemical products greater than 1,100 gallons. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will allow residential uses in areas without water and/or sewer services. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action locates commercial and/or industrial uses which may require new or expansion of existing waste treatment and/or storage facilities. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
-------------------------------------	-----------------------------------	--

6. Will Proposed Action alter drainage flow or patterns, or surface water runoff?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • Proposed Action would change flood water flows | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may cause substantial erosion. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action is incompatible with existing drainage patterns. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will allow development in a designated floodway. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON AIR

7. Will Proposed Action affect air quality?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • Proposed Action will induce 1,000 or more vehicle trips in any given hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will result in the incineration of more than 1 ton of refuse per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Emission rate of total contaminants will exceed 5 lbs. per hour or a heat source producing more than 10 million BTU's per hour. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the amount of land committed to industrial use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will allow an increase in the density of industrial development within existing industrial areas. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON PLANTS AND ANIMALS

8. Will Proposed Action affect any threatened or endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • Reduction of one or more species listed on the New York or Federal list, using the site, over or near the site, or found on the site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
|---|--------------------------|--------------------------|--|

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
• Removal of any portion of a critical or significant wildlife habitat.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
Application of pesticide or herbicide more than twice a year, other than for agricultural purposes.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

9. Will Proposed Action substantially affect non-threatened or non-endangered species?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • Proposed Action would substantially interfere with any resident or migratory fish, shellfish or wildlife species. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action requires the removal of more than 10 acres of mature forest (over 100 years of age) or other locally important vegetation. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON AGRICULTURAL LAND RESOURCES

10. Will Proposed Action affect agricultural land resources?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|--|--------------------------|--------------------------|--|
| • The Proposed Action would sever, cross or limit access to agricultural land (includes cropland, hayfields, pasture, vineyard, orchard, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Construction activity would excavate or compact the soil profile of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The Proposed Action would irreversibly convert more than 10 acres of agricultural land or, if located in an Agricultural District, more than 2.5 acres of agricultural land. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

- | | 1
Small to
Moderate
Impact | 2
Potential
Large
Impact | 3
Can Impact Be
Mitigated by
Project Change |
|---|-------------------------------------|-----------------------------------|--|
| • The Proposed Action would disrupt or prevent installation of agricultural land management systems (e.g., subsurface drain lines, outlet ditches, strip cropping); or create a need for such measures (e.g. cause a farm field to drain poorly due to increased runoff). | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON AESTHETIC RESOURCES

11. Will Proposed Action affect aesthetic resources? (If necessary, use the Visual EAF Addendum in Section 617.20, Appendix B.)

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • Proposed land uses, or project components obviously different from or in sharp contrast to current surrounding land use patterns, whether man-made or natural. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed land uses, or project components visible to users of aesthetic resources which will eliminate or significantly reduce their enjoyment of the aesthetic qualities of that resource. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Project components that will result in the elimination or significant screening of scenic views known to be important to the area. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON HISTORIC AND ARCHAEOLOGICAL RESOURCES

12. Will Proposed Action impact any site or structure of historic, prehistoric or paleontological importance?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • Proposed Action occurring wholly or partially within or substantially contiguous to any facility or site listed on the State or National Register of historic places. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Any impact to an archaeological site or fossil bed located within the project site. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will occur in an area designated as sensitive for archaeological sites on the NYS Site Inventory. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

Other impacts:

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

☐
☐
☐ Yes

☐ No

IMPACT ON OPEN SPACE AND RECREATION

13. Will proposed Action affect the quantity or quality of existing or future open spaces or recreational opportunities?

☒ NO

☐ YES

Examples that would apply to column 2

- The permanent foreclosure of a future recreational opportunity.
- A major reduction of an open space important to the community.
- Other impacts:

☐
☐
☐ Yes

☐ No

☐
☐
☐ Yes

☐ No

☐
☐
☐ Yes

☐ No

IMPACT ON CRITICAL ENVIRONMENTAL AREAS

14. Will Proposed Action impact the exceptional or unique characteristics of a critical environmental area (CEA) established pursuant to subdivision 6NYCRR 617.14(g)?

☒ NO

☐ YES

List the environmental characteristics that caused the designation of the CEA.

Examples that would apply to column 2

- Proposed Action to locate within the CEA?
- Proposed Action will result in a reduction in the quantity of the resource?
- Proposed Action will result in a reduction in the quality of the resource?
- Proposed Action will impact the use, function or enjoyment of the resource?
- Other impacts:

☐
☐
☐ Yes

☐ No

☐
☐
☐ Yes

☐ No

☐
☐
☐ Yes

☐ No

☐
☐
☐ Yes

☐ No

☐
☐
☐ Yes

☐ No

1
Small to
Moderate
Impact

2
Potential
Large
Impact

3
Can Impact Be
Mitigated by
Project Change

IMPACT ON TRANSPORTATION

15. Will there be an effect to existing transportation systems?

☒ NO ☐ YES

Examples that would apply to column 2

- Alteration of present patterns of movement of people and/or goods.

☐☐

☐ Yes ☐ No

- Proposed Action will result in major traffic problems.

☐☐

☐ Yes ☐ No

- Other impacts:

☐☐

☐ Yes ☐ No

IMPACT ON ENERGY

16. Will Proposed Action affect the community's sources of fuel or energy supply?

☒ NO ☐ YES

Examples that would apply to column 2

- Proposed Action will cause a greater than 5% increase in the use of any form of energy in the municipality.

☐☐

☐ Yes ☐ No

- Proposed Action will require the creation or extension of an energy transmission or supply system to serve more than 50 single or two family residences or to serve a major commercial or industrial use.

☐☐

☐ Yes ☐ No

- Other impacts:

☐☐

☐ Yes ☐ No

NOISE AND ODOR IMPACT

17. Will there be objectionable odors, noise, or vibration as a result of the Proposed Action?

☒ NO ☐ YES

Examples that would apply to column 2

- Blasting within 1,500 feet of a hospital, school or other sensitive facility.

☐☐

☐ Yes ☐ No

- Odors will occur routinely (more than one hour per day).

☐☐

☐ Yes ☐ No

- Proposed Action will produce operating noise exceeding the local ambient noise levels for noise outside of structures.

☐☐

☐ Yes ☐ No

- Proposed Action will remove natural barriers that would act as a noise screen.

☐☐

☐ Yes ☐ No

- Other impacts:

☐☐

☐ Yes ☐ No

1	2	3
Small to Moderate Impact	Potential Large Impact	Can Impact Be Mitigated by Project Change

IMPACT ON PUBLIC HEALTH

18. Will Proposed Action affect public health and safety?

☒ NO ☐ YES

- | | | | |
|--|--------------------------|--------------------------|--|
| • Proposed Action may cause a risk of explosion or release of hazardous substances (i.e. oil, pesticides, chemicals, radiation, etc.) in the event of accident or upset conditions, or there may be a chronic low level discharge or emission. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may result in the burial of "hazardous wastes" in any form (i.e. toxic, poisonous, highly reactive, radioactive, irritating, infectious, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Storage facilities for one million or more gallons of liquefied natural gas or other flammable liquids. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action may result in the excavation or other disturbance within 2,000 feet of a site used for the disposal of solid or hazardous waste. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Other impacts: | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

IMPACT ON GROWTH AND CHARACTER OF COMMUNITY OR NEIGHBORHOOD

19. Will Proposed Action affect the character of the existing community?

☒ NO ☐ YES

Examples that would apply to column 2

- | | | | |
|---|--------------------------|--------------------------|--|
| • The permanent population of the city, town or village in which the project is located is likely to grow by more than 5%. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • The municipal budget for capital expenditures or operating services will increase by more than 5% per year as a result of this project. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will conflict with officially adopted plans or goals. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will cause a change in the density of land use. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Proposed Action will replace or eliminate existing facilities, structures or areas of historic importance to the community. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| • Development will create a demand for additional community services (e.g. schools, police and fire, etc.) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

	1 Small to Moderate Impact	2 Potential Large Impact	3 Can Impact Be Mitigated by Project Change
C Proposed Action will set an important precedent for future projects.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Proposed Action will create or eliminate employment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No
• Other impacts:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/> Yes <input type="checkbox"/> No

20. Is there, or is there likely to be, public controversy related to potential adverse environment impacts?
☒ NO ☐ YES

If Any Action in Part 2 is Identified as a Potential Large Impact or If you Cannot Determine the Magnitude of Impact Proceed to Part 3

Part 3 - EVALUATION OF THE IMPORTANCE OF IMPACTS

Responsibility of Lead Agency

Part 3 must be prepared if one or more impact(s) is considered to be potentially large, even if the impact(s) may be mitigated.

Instructions (If you need more space, attach additional sheets)

Discuss the following for each impact identified in Column 2 of Part 2:

1. Briefly describe the impact.
2. Describe (if applicable) how the impact could be mitigated or reduced to a small to moderate impact by project change(s).
3. Based on the information available, decide if it is reasonable to conclude that this impact is **Important**.

To answer the question of importance, consider:

- ! The probability of the impact occurring
- ! The duration of the impact
- ! Its irreversibility, including permanently lost resources of value
- ! Whether the impact can or will be controlled
- ! The regional consequence of the impact
- ! Its potential divergence from local needs and goals
- ! Whether known objections to the project relate to this impact.

--	--



TOWN OF
Brookhaven
LONG ISLAND, NEW YORK

Board of Zoning Appeals

One Independence Hill, Farmingville, NY 11738
(631) 451-6477 FAX:(631) 451-6926

**State Environmental Quality Review Act
Full Environmental Assessment Form**

BZ-06 rev. 05/04

PLEASE TYPE OR PRINT CLEARLY

The Full Environmental Assessment Form (EAF) is intended to provide a method whereby applicants and agencies can be assured that the determination process has been orderly, comprehensive in nature, yet flexible to allow introduction of information to fit a project or action.

Full EAF Components: The full EAF is comprised of three parts:

- Part I:** Provides objective data and information about a given project and its site. By identifying basic data, it assists a reviewer in the analysis that takes place in Parts II and III.
- Part II:** Focuses on identifying the range of possible impacts that may occur from a project or action. It provides guidance as to whether an impact is likely to be considered small to moderate or whether it is a potentially large impact. The form also identifies whether an impact can be mitigated or reduced.
- Part III:** If any impact in Part II is identified as potentially large, then Part III is used to evaluate whether or not the impact is actually important.

DETERMINATION OF SIGNIFICANCE – Type I and Unlisted Actions

¹ Identify portions of EAF completed for project: ☐ Part I ☐ Part II ☐ Part III

² Upon review of the information recorded on this EAF (Parts I, II and III if appropriate) and any other supporting information, and considering both the magnitude and importance of each impact, it is reasonably determined by the lead agency that:

- ☐ A. The project will not result in any large and important impact(s) and, therefore, is one that will not have a significant impact on the environment; therefore, a **NEGATIVE DECLARATION** will be prepared.
- ☐ B. Although the project could have a significant effect on the environment, there will not be a significant effect for this Unlisted Action because the mitigation measures described in PART 3 have been required; therefore, a **CONDITIONED NEGATIVE DECLARATION*** will be prepared.
- ☐ C. The project may result in one or more large and important impacts that may have a significant impact on the environment; therefore, a **POSITIVE DECLARATION** will be prepared.

*A conditioned Negative Declaration is only valid for Unlisted Actions.

3. NAME OF ACTION:	
4. NAME OF LEAD AGENCY:	
5. NAME OF OFFICER IN LEAD AGENCY:	
6. SIGNATURE OF RESPONSIBLE OFFICER IN LEAD AGENCY:	7. SIGNATURE OF PREPARER:
8. DATE:	



TOWN OF
Brookhaven
LONG ISLAND, NEW YORK

Board of Zoning Appeals

One Independence Hill, Farmingville, NY 11738
(631) 451-6477 FAX: (631) 451-6926

**State Environmental Quality Review Act
Full Environmental Assessment Form**

8Z-06 rev. 0/81

PLEASE TYPE OR PRINT CLEARLY

Part I - PROJECT INFORMATION

Prepared by Project Sponsor

NOTICE: This document is designed to assist in determining whether the action proposed may have a significant effect on the environment. Please complete the entire form Part A through O. Answers to these questions will be considered as part of the application for approval and may be subject to further verification and public review. Provide any additional information you believe will be needed to complete Parts II and III.

It is expected that completion of the full EAF will be dependent on information currently available and will not involve new studies, research or investigation. If information requiring such additional work is unavailable, so indicate and specify each instance.

1. NAME OF PROJECT: Brookhaven Rail Terminal	
2. PROJECT LOCATION: 205 Sills Road at South Service Road, Yaphank, New York 11980	
3. NAME AND ADDRESS OF APPLICANT/SPONSOR: (see attachment 3)	4. BUSINESS PHONE: 631-473-0200
5. NAME AND ADDRESS OF OWNER, IF DIFFERENT:	
6. S.C. TAX PARCEL NUMBER: (see attachment 6)	7. PRESENT ZONING: L-1
8. DESCRIPTION OF ACTION (PLEASE BE SPECIFIC; ATTACH ADDITIONAL SHEET IF NECESSARY) Construction and installation of a rail freight terminal as described in attachment 8.	

PLEASE COMPLETE EACH QUESTION - INDICATE "N/A" IF NOT APPLICABLE:

- A. LAND USE:** (If not applicable, check here and go to Section B) ☐ N/A
Physical setting of overall project, both developed and undeveloped areas.
1. Present land use: ☐ Urban ☐ Industrial ☒ Commercial
☐ Residential Suburban ☒ Rural (non-farm) ☐ Forest
☐ Agriculture ☐ Other (Specify) _____
- B. CRITICAL ENVIRONMENTAL AREA:**
1. Is the site located in or substantially contiguous to a Critical Environment Area designated pursuant to Article 8 of the ECL, and 6 NYCRR 817?
☐ YES ☒ NO ☐ N/A
- C. ZONING AND PLANNING INFORMATION:**
1. Does proposed action involve a planning or zoning decision?
☐ YES ☒ NO
- If yes, complete 1-13 below; if no, go to section D:**
- ☐ Zoning Amendment ☐ Zoning Variance ☐ Special Use Permit
☐ Subdivision ☐ Site Plan ☐ New (Revision) of Land Use Plan
☐ Resource Management Plan ☐ Other _____
2. What is the zoning classification(s) of the site? L-1

**BROOKHAVEN RAIL TERMINAL
Full Environmental Assessment Form**

Attachment 3

Name and Address of Applicant

**Sills Road Realty, LLC
56 Cornsewogue Road
East Setauket, New York 11733**

**BROOKHAVEN RAIL TERMINAL
Full Environmental Assessment Form**

Attachment 6

S.C.Tax Parcel Numbers

District 0.200, Section 663.00, Block 03.00, Lots 001.000, 027.001, 027.002, 027.003 and 027.004

District 0.200, Section 704.00, Block 04.00, Lots 001.000 and 002.00

District 0.200, Section 704.00, Block 05.00, Lots 001.000 and 002.00

**District 0.200, Section 704.00, Block 02.00, Lots 001.000, 002.00, 030.000, 031.000, 032.000, 033.000,
034.000, 035.000 and 036.000**

**BROOKHAVEN RAIL TERMINAL
Full Environmental Assessment Form**

Attachment 8

Project Description and Reference Site Plan

The Project consists of the construction and installation of a rail freight terminal to be known as the Brookhaven Rail Terminal. The current design of the Terminal, attached hereto, contemplates a track configuration of approximately 18,000 lineal feet, 22 interior switches, one new main line switch, a transload yard with bulk storage space, heavy duty scales and related facilities and equipment. An entrance ramp will be constructed into the Terminal from Silfs Road as well as an emergency, secondary access from the South Service Road of the Long Island Expressway. The Terminal will include a scale house and covered transload dock as well as aggregate unloading and storage facilities and related equipment, including electric powered conveyor/stackers, front end loaders, fork lifts and container lifters.

The Brookhaven Rail Terminal will have the capability to handle the unloading and temporary storage of bulk commodities, consisting principally of crushed stone aggregates for sale to the construction industry, merchandise freight and intermodal container shipping

3. What is the maximum potential development of the site if developed as permitted by the present zoning?
Maximum Far = 30% Maximum Building Size = 366,949 s.f.
4. What is the PROPOSED zoning of the site? L1 - No change
5. What is the maximum potential development of the site if developed as permitted by the proposed zoning?
N/A
6. Is the proposed action consistent with the recommended used adopted or recommended in local land use plans?
☒ YES ☐ NO
7. What are the predominant land use(s) and zoning classifications within a ¼ mile radius of proposed action?
Industrial
8. Is the proposed action compatible with adjoining/surrounding land used within a ¼ mile?
☒ YES ☐ NO
9. If the proposed action is a subdivision of land, what is the number of lots proposed? N/A
 a. What is the minimum sized lot proposed? N/A
10. Will proposed action require any authorization(s) for the formation of sewer or water districts?
☐ YES ☒ NO
11. Is the project site presently used by the community or neighborhood as an open space or recreation area?
☐ YES ☒ NO
12. Will the proposed action create a significant demand for any community provided services (recreation, education, police, fire protection)? ☐ YES ☒ NO
 a. If YES, is existing capacity sufficient to handle projected demand? ☐ YES ☐ NO
13. Will the proposed action result in the generation of traffic significantly above present levels? ☐ YES ☒ NO
 a. If YES, are existing roads adequate to handle the additional traffic? ☐ YES ☐ NO

D. SITE DESCRIPTION: (If not applicable, check here & go to Section E) ☐ N/A

Total Lot Area: 28.08 ☐ square feet ☒ acres

	PRESENTLY	AFTER COMPLETION
Meadow or Old Field (non-agriculture)	-	-
Forested	9.20 Ac	-
Agricultural (include orchards, pasture etc.)	-	-
Unvegetated (rock, earth or fill)	18.88 Ac	-
Roads, buildings and other paved surfaces	-	19.63 Ac
Beach, Dune or Bluff	-	-
Surface Water	-	-
Tidal Wetlands (as per Chapter 81 and Art. 25	-	-
Freshwater Wetlands or 24 of the ECL)	-	-
Landscaped	-	8.43 Ac
Other (indicate type)	-	

Sils Road - Brookhaven Rail Terminal

Proposed Area Site Description	Acreage
Natural/revegetated	0
Landscaped	8.43
Paved	3.57
Pervious Pavement	8.85
Building Area	0.459
<u>Railroad Tracks</u>	<u>6.77</u>
Total Developed	28.08

ZONING

Regulations	Required	Provided
Width of Buffer (street frontage)		Varies 50' to 54.7'
Zone	L1-Light Industry	L1-Light Industry
Lot Area (min.) (sec. 85-313-A(3))	120,000 SF	1,223,205 SF
Width of Lot (min.) (sec. 85-313-B(3))	300'	1,118' +/-
Front Yard Setback (min.) (sec. 85-313-C(2))	100'	374.23'
Side Yard Setback (min.) (sec. 85-313-D(3))	50'	884.21'
Rear Yard Setback (min.) (sec. 85-313-E(1))	50'	56.86'
Floor Area Ratio (max.) (sec. 85-313-F(2))	30%	1.84%
Height (max.) (sec. 85-313-G(1))	50' or 3 stories	43.5' +/-, 1 story
Off-Street Parking (sec. 85-353) - Industrial	1/2,000 SF =20,000 SF/2,000 =10 spaces	12

E. PROJECT DESCRIPTION: (If not applicable, check here and go to Section F) ☐ N/A

1. Physical dimensions and scale of project (fill in dimensions as appropriate):
 - a. Total contiguous acreage owned or controlled by project sponsor: 28.08 Ac
 - b. Project area to be developed: 28.08 initially; 28.08 ultimately ☐ square feet ☒ acres
 - c. Project area to remain undeveloped: 0 ☐ square feet ☐ acres
 - d. Length of project, in feet and/or miles, if appropriate: 0 ☐ feet ☐ miles
 - e. If the project is an expansion, indicate percent of expansion: No %
 - f. Number of off-street parking spaces existing: 0, proposed: 12
 - g. Maximum vehicular trips generated upon completion of the project? 60 hourly
 - h. Frontage along a public thoroughfare: 2,331 +/- linear feet
 - i. If residential: Number and type of housing units: N/A

	ONEFAMILY	TWOFAMILY	MULTIFAMILY	CONDOMINIUM
Initially:				
Ultimately:				
 - j. Dimensions of largest proposed structure:

<u>43.5 +/-</u> Height	<u>100'</u> Width	<u>200'</u> Length
------------------------	-------------------	--------------------

2. Will blasting occur during construction? ☐ YES ☒ NO

3. Will project require relocation of any facilities? ☐ YES ☒ NO

If YES, explain _____

F. LAND RESOURCES: (If not applicable, check here and go to Section G) ☐ N/A

1. What is/are the predominant soil type(s) on project site? (Please consult Suffolk County Soil Survey and Soil Conservation Service - Phone: 727-2315)
List types: Haven Loam, Riverhead Sandy Loam, Plymouth Loamy Sand
2. Is project or any portion of project located in a 100-year flood plain?
☐ YES ☒ NO ☐ N/A
3. Soil drainage:

Well-drained	<u>100</u> % of site
Moderately well drained of site	_____ % of site
Poorly drained	_____ % of site
4. If any agricultural land is involved, how many acres of soil are classified within soil groups 1 through 4 of the NYS Land Classification System? (See 1 NYCRR 370 (1)) _____ acres ☒ N/A
5. Are there any dunes, bluffs, swales, kettleholes, strands or other geological formations on the project site?
☐ YES ☒ NO If YES, Describe: _____
6. Are there bedrock outcroppings on project site? ☐ YES ☒ NO
 - a. What is depth to bedrock? 1400 (in feet) ☐ N/A
7. Approximate percentage of the project site with slopes (0-100%):
0-10% 100% 10-15% _____ 15% or greater _____
8. How much natural material (i.e. rock, earth, etc.) will be removed from the site? 636,000 cubic yards
9. Will the disturbed areas be reclaimed? ☒ YES ☐ NO ☐ N/A
 - a. If YES, for what intended purpose is the site being reclaimed? Rail Yard & landscape
 - b. Will topsoil be stockpiled for reclamation? ☒ YES ☐ NO area.
 - c. Will upper subsoil be stockpiled for reclamation? ☐ YES ☒ NO
10. Grading: ☒ YES ☐ NO ☐ N/A If yes, complete a. through i.
 - a. Total area to be regraded: 28.08 ☐ square feet ☒ acres
 - b. Total cubic yards of cut: 636,000 cubic yards
 - c. Total cubic yards of fill: 0 cubic yards
 - d. Greatest depth of excavation or cut: 25' feet (excluding recharge basin)
 - e. Greatest depth of any recharge basin: N/A feet
 - f. Greatest depth of fill: N/A feet
 - g. Greatest depth of excavation or cut: 25' feet (excluding recharge basins)
 - h. Maximum artificial slopes after construction (check one)

<input type="checkbox"/> 2:1 or greater	<input checked="" type="checkbox"/> 3:1	<input type="checkbox"/> 5:1	<input type="checkbox"/> 10:1 or less
---	---	------------------------------	---------------------------------------
 - i. Will the project require the use of retaining walls? ☒ YES ☐ NO
 - j. Briefly describe method(s) to reduce erosion/runoff during and after construction: _____
 During construction: silt fence and straw bales.
 After construction: dry wells, site will be paved and landscaped.

G. **VISUAL-CULTURAL RESOURCES:** (If not applicable, check here and go to Section H) ☐ N/A

1. **Visual:**

- a. Will the project be noticeably visible from surrounding areas after its completion?
☒ YES ☐ NO ☐ N/A
- b. Will the project remove vegetation that currently screens the project site from surrounding areas?
☒ YES ☐ NO ☐ N/A
- c. Will the project partially or completely block, or contrast with, scenic views from surrounding areas or from the site?
☐ YES ☒ NO ☐ N/A
- d. Does the present site include scenic views known to be important to the community?
☐ YES ☒ NO If yes, please explain: _____

2. **Cultural:**

- a. Does the project site contain a building or site, and/or is it located within or substantially contiguous to a building, site or district listed on the State or the National Registers of Historic Places or Register of National Landmarks?
☐ YES ☒ NO ☐ N/A
- b. Does the project site contain a building or site, which is substantially contiguous to or within a Town Historic District or Town Historic District Transition Zone?
☐ YES ☒ NO ☐ N/A
- c. Is the project site contiguous to or does it contain a site or building which is designated a Town Landmark?
☐ YES ☒ NO ☐ N/A
- d. Will the project be noticeably visible from, be adjacent to, or result in the partial or complete demolition of any structures listed on the State or National Registers of Historic Places, or a Town Historic Landmark?
☐ YES ☒ NO ☐ N/A
- e. Will the project result in the partial or complete demolition or relocation of any structures greater than 50 years old?
☐ YES ☒ NO ☐ N/A
- f. Will the project result in the partial or complete removal of any documented or known Native American site?
☐ YES ☒ NO ☐ N/A
- g. Does the project site contain or is it located adjacent to a cemetery or gravesite?
☐ YES ☒ NO ☐ N/A

H. **WATER RESOURCES:** (If not applicable, check here and go to Section I) ☐ N/A

1. Will there be a potential discharge as a result of an approval of this application into a body of water either on or off-site?
☐ YES ☒ NO ☐ N/A
If Yes, please explain: _____
2. Method of handling runoff (check all that apply):
☐ Leaching Pools ☒ Dry Wells ☐ Recharge Basin (off-site)
☐ Recharge Basin (on-site) ☒ Other (describe): Surface Ponding
3. What is the minimum depth to the water table on site? 60 feet
(Please cite date and source of information) Suffolk Co. Groundwater Maps
a. Seasonal variation 5' +/- feet
4. Are there any lakes, ponds, swamps, bogs, marshes, or freshwater wetlands within or contiguous to project area?
☐ YES ☒ NO ☐ N/A
a. Name of lake/pond or wetland: _____
5. Are there any streams within or contiguous to the project site?
☐ YES ☒ NO ☐ N/A Name: _____
a. Name of body of water to which it is tributary: _____
6. Are there any Creeks, Embayments, Harbors or tidal wetland areas within or contiguous to the project area?
☐ YES ☒ NO ☐ N/A Name(s) _____
a. Name of body of water to which it is tributary: _____

7. Is the site located over a primary, principal or sole source aquifer?

☒ YES ☐ NO ☐ N/A

8. Will surface area of an existing water body increase or decrease by proposal?

☐ YES ☒ NO Please explain: _____

I. **FLORA-FAUNA-AQUATICS:** (If not applicable, check here and go to Section J) ☒ N/A

1. Do hunting, fishing or shellfishing opportunities presently exist in the project area?

☐ YES ☐ NO ☐ N/A

2. Is the project site utilized by, or contain any species of plant or animal life that is identified as rare, threatened, endangered, protected or identified as a species of special concern?

☐ YES ☐ NO ☐ UNKNOWN If yes, identify each species: _____

3. What wildlife species have been confirmed or would be expected to occur on site? _____

4. What vegetation species have been confirmed or would be expected to occur on site? _____

5. Are there any rare or protected plants or unique plant communities present on site?

☐ YES ☐ NO If yes, identify each species: _____

6. How many acres/sq. ft. of vegetation (trees, shrubs, ground covers) would be removed from site?

_____ ☐ acres ☐ square feet ☐ N/A

7. Will any mature forest (over 100 years old) or any other locally important vegetation be removed by this project?

☐ YES ☐ NO ☐ N/A

J. **UTILITIES:** (If not applicable, check here and go to Section K) ☐ N/A

1. Is the site served by existing public utilities? ☒ YES ☐ NO

a. If yes, does sufficient capacity exist to allow connection? ☒ YES ☐ NO

b. If yes, will improvements be necessary to allow connection? ☐ YES ☐ NO

2. Will project result in an increase in energy use? ☒ YES ☐ NO

If yes, indicate types: Minimal increase in electric and water

3. What type water supply is from wells, indicate pumping capacity: None gallons/minute.

4. Total anticipated water usage per day: 2,000 gallons/day.

K. **WASTE DISPOSAL:** (If not applicable, check here and go to Section L) ☐ N/A

1. Will a Safe Pollutant Discharge Elimination System (SPDES) permit be required? ☐ YES ☒ NO
If yes, for what type of material?

2. Is surface liquid waste disposal or storage involved? ☐ YES ☒ NO

a. If yes, indicate type of waste (sewage, industrial, etc.) amount and method of disposal _____

3. Is subsurface liquid waste disposal involved (including sanitary)? ☒ YES ☐ NO

If yes, please indicate:

a. Type of waste: Sanitary

b. Volume of waste: 500 +/- gallons per day

c. Sanitary waste treatment

☒ on-site septic-system

☐ municipal treatment plant

☐ modified subsurface sewage disposal system

☐ community sewage disposal system

☐ other _____

4. Are there any point source discharges not previously described associated with this project?
☐ YES ☒ NO ☐ N/A If yes, explain: _____
5. Will the project generate solid waste? ☒ YES ☐ NO ☐ N/A
 a. If yes, what is the amount per month? 0.5 tons
 b. If yes, will an existing solid waste facility be used? ☒ YES ☐ NO
 c. If yes, give name: _____ location: _____ National Waste Services
 d. Will any wastes not go into a sewage disposal system or into a sanitary landfill?
☐ YES ☒ NO If yes, explain: _____
6. Will the project involve the storage or disposal of solid waste? ☐ YES ☒ NO
 (If yes, please attach a list itemizing same)
 a. If yes, what is the anticipated rate of disposal? _____ tons/month.
 b. If yes, what is the anticipated site life? _____ years.
7. As part of the construction or use of the site will the project routinely use herbicides or pesticides?
☐ YES ☒ NO
 If yes, describe the type, amount and method of application: _____
8. Has the site ever been used for the disposal of solid or hazardous wastes?
☐ YES ☒ NO ☐ UNKNOWN If yes, explain fully on a separate sheet.
9. If an industrial use is proposed for the site, describe the product and the manufacturing process involved:
N/A
10. Will any hazardous or toxic substances or waste be stored or generated on site?
☐ YES ☐ NO ☒ N/A
 a. If yes, identify the substance, amount and method of storage or disposal: _____
11. Will project routinely project odors more than 1 hour/day? ☐ YES ☒ NO
12. Will project produce operating noise exceeding the local ambient noise levels? ☐ YES ☒ NO
 If yes, source of noise: _____

ECONOMICAL IMPACTS: Completed for all commercial/industrial projects and residential projects greater than 10 units. (If not applicable, check here and go to Section M) ☐ N/A

1. Does project involved Local, State or Federal funding? ☐ YES ☒ NO
2. If single phase project:
 anticipated period of construction 24 months, (including demolition)
3. If multi-phased: N/A
 a. Total number of phases anticipated: _____
 b. Expected date of commencement phase 1 (including demolition): _____
 c. Approximate completion date of final phase: _____ month _____ year.
 d. Is phase 1 functionally dependent on subsequent phases? ☐ YES ☐ NO
4. Number of jobs generated during construction 60 After project is complete 25
5. Number of jobs eliminated by this project 0
6. What are the current tax revenues generated by the project site? 162,000 dollars
7. What tax revenues will project generate after completion? 162,000 dollars
8. What is the estimated cost of construction? 12.5 Million dollars
9. How many schoolchildren is the project expected to generate? _____ ☒ N/A
10. What is the estimated cost of educating the school-age children generated by the completion of this project? _____ ☒ N/A

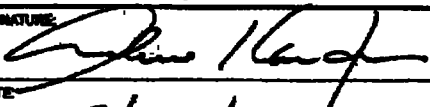
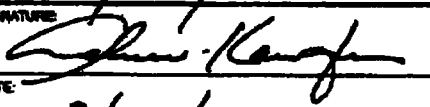
M. APPROVALS REQUIRED:	TYPE	SUBMITTAL DATE
Town Board	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	
Town Planning Board	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Town Zoning Board	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Town; Environmental Protection	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Town; Building Department	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
County Health Department	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Local Agencies	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
State Agencies	<input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	
Federal Agencies	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	STB
Other Agencies	<input type="checkbox"/> YES <input type="checkbox"/> NO	March 2008

N. **ADDITIONAL INFORMATION:**

Attach any additional information as may be needed to clarify your project. If there are or may be any adverse impacts associated with your proposal, please discuss such impacts and the measures which you propose to mitigate or avoid them.

O. **VERIFICATION:**

I certify that the information provided above is true to the best of my knowledge.

1. NAME OF APPLICANT/SPONSOR: Sills Road Realty LLC	2. SIGNATURE: 
3. TITLE: President	4. DATE: 3/22/2010
5. NAME OF OWNER: Sills Road Realty LLC	6. SIGNATURE: 
7. TITLE: President	8. DATE: 3/22/2010

Note: If the action is in the Coastal Area and you are a state agency, complete the Coastal Assessment Form before proceeding with the assessment.